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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
007/194,800	10/10/95	RIEGER	10496/P58841

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JACOBSON PRICE HOLMAN & STERN
400 SEVENTH STREET NW
WASHINGTON DC 20004

EXAMINER
ALBERT AMORJHY, P

ART UNIT	PAPER NUMBER
1618	

DATE MAILED: 01/11/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/491,888

Applicant(s)
Rigler et al

Examiner
P. Achutamurthy

Group Art Unit
1618



☒ Responsive to communication(s) filed on Dec 15, 1998

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 3, 11, 17-21, 23-27, and 39-106 is/are pending in the application.

Of the above, claim(s) 3, 11, 17-21, 23-27, 39-84, and 102-106 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 85-101 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 23

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Continued Prosecution Application

The request filed on December 15, 1998 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/491,888 is acceptable and a CPA has been established. An action on the CPA follows.

Note: (I) There has been a change in the Examiner handling this application.

(ii) The Rejections that follow are substantially the same as those at were of record in the Office action dated October 15, 1998 (hereinafter Paper No. 21). The have been letter-designated solely for the purpose of convenience and ease of identification of issues.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 3, 11, 17-21, 23-27, 39-84, and 102-106 stand withdrawn from consideration as being drawn to non-elected invention(s).

Claims 85-101 are currently under consideration.

Objection to claim 90 for incorrect spelling of 'translational' is maintained because no correction has been made.

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Claim Rejections - 35 USC § 112

Rejection A

Claims 85-101 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, for the reasons of record in Paper No. 21 (section 7).

Claim Rejections - 35 USC § 102

Rejection B

Claims 85-95 are rejected under 35 U.S.C. 102(b) as being anticipated by Thompson et al (1983), or Sorscher et al (1980) or Kask et al (1985 or Rigler et al (1992 or Meyer et al (1988), for the reasons of record in paper No. 21 (section 10).

Claim Rejections - 35 USC § 103

Rejection C

Claims 96-101 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al (1983), or Sorscher et al (1980) or Kask et al (1985 or Rigler et al (1992) or Meyer et al (1988), each in view of facts well known in the art, for the reasons of record in paper No. 21 (section 11).

This is a Continued Prosecution Application (CPA) of applicant's earlier Application No. 08/491,888. All claims are drawn to the same invention claimed in the earlier application and

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could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

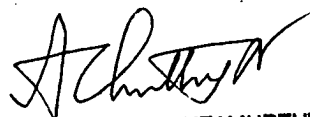
The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to **Group Art Unit 1618.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to P. Achutamurthy whose telephone number is (703) 308-3804. The examiner can normally be reached on Monday-Thursday from 7:00 am to 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald E. Adams, Ph.D., can be reached on (703) 308-0570. The fax phone number for this Group is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.



PONNATHAPURA ACHUTAMURTHY
PRIMARY EXAMINER
GROUP 1800

pa
January 7, 1999